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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,987	08/16/2004	Makoto Izawa	22040-00038-US1	4986

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EXAMINER

GELAGAY, SHEWAYE

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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11/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/710,987	Applicant(s) IZAWA ET AL.	
	Examiner Shewaye Gelagay	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on September 12, 2007. Claims 1 has been amended. Claim 3 has been canceled. Claims 1-2 and 4-6 are pending.

Claim Objections

2. In view of the amendment filed September 12, 2007, the Examiner withdraws the objection to claim 3.

Claim Rejections - 35 USC § 112

3. In view of the amendment filed September 12, 2007, the Examiner withdraws the rejection of claims 1-4 under 35 U.S.C. 112.

Response to Arguments

1. Applicant's arguments filed September 12, 2007 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "the encrypting capability and/or the non-encryption capability", the phrase "and/or" renders the claims indefinite because the

claims include elements not actually disclosed (those encompassed by "and/or"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

4. Claims 1 and 5 recite the limitation "the plurality or ports". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. (hereinafter Yamaguchi) US Patent Number 5,604,807 in view of Keromytis et al. (hereinafter Keromytis) "Transparent Network Security Policy Enforcement", USENIX 2000.

As per claims 1 and 5:

Yamaguchi teaches a central encryption management system, comprising:

a plurality of communications terminals for performing data communications;

(Figure 12, items 53 and 55)

an encryption apparatus which can be connected between the plurality of communications terminals; (Figure 12, item 54)

the apparatus including encryption/decryption means for performing an encrypting process and a decrypting process on data to terminate encryption-based security between the communications terminals having the encrypting capability and/or the non-encrypting capability; (Figure 12, item 76) and

a manager terminal for inputting various information for controlling encrypted-data communications into each of the encryption apparatus and the communications terminals remotely from the manager terminal over a network, so that settings for the encrypted data communications on each of the apparatus and the terminals are completed, wherein the various information includes at least one of the presence/absence of the encrypting/decrypting process, the communicability indicating that a packet is discarded between specific terminals, the encryption level, the time period for the encryption, the encryption policy for each division; (Figure 12, item 51; Figure 13; col. 3, line 62-col. 4, line 20; col. 12, lines 50-64; col. 13, line 60-col. 14, line 12)

wherein the plurality of communications terminals, the manager terminal, and the encryption apparatus are connected via a cable or wireless network. (figure 12, item 52)

wherein the data has been received with one of the plurality of ports of the encryption apparatus and the encrypting or decrypting process has been performed on the data. (Figure 12, item 51; Figure 13; col. 3, line 62-col. 4, line 20; col. 12, lines 50-64; col. 13, line 60-col. 14, line 12)

Yamaguchi does not explicitly disclose wherein the encryption apparatus further includes bridge means for allowing data to be outputted as it is from another port

without any routing process. Keromytis in analogous art, however, teaches wherein the encryption apparatus further includes bridge means for allowing data to be outputted as it is from another port without any routing process. (2.1 Layer-3Filtering; 2.2 Layer-2 Filtering; 2.4 Bridge Security; 3.Bridging and IPsec) Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the system disclosed by Yamaguchi with Keromytis in order to provide transparent IPsec gateway capability for a host or even a network wherein the security gateway can act as a security policy enforcer, ensuring that incoming and outgoing packets are adequately protected, based on system or network policy. (1. Introduction; Keromytis)

As per claim 2:

The combination of Yamaguchi and Keromytis teaches all the subject matter as discussed above. In addition, Yamaguchi further discloses a central encryption management system wherein the encryption/decryption means performs the encrypting process and the decrypting process on data, so that the encryption apparatus receives and retransmits data in the form of encrypted data from and to the communications terminal having the encrypting capability, and the encryption apparatus receives and retransmits the data in the form of non-encrypted data from and to the communications terminal having no encrypting capability. (col. 12, lines 50-64)

As per claims 4 and 6:

The combination of Yamaguchi and Keromytis teaches all the subject matter as discussed above. In addition, Yamaguchi further discloses a central encryption management system wherein the encryption apparatus further includes setting

information storage means for storing the information inputted from the manager terminal, in which the inputted information is used when controlling the encrypting process and the decrypting process, and the encryption apparatus controls the encrypting process and the decrypting process by comparing the information stored in the setting information storage means with header information of a data packet of the data received with one of the plurality of ports. (col. 11, line 44-col. 12, line 45)

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Application/Control Number:
10/710,987
Art Unit: 2137

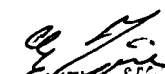
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shewaye Gelagay



EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER